

Town of Milton
Planning and Zoning Commission
Minutes
Aug 19, 2003

Members Present:

Linda Rogers
Bob Kerr

Dean Sherman
Eric Evans

Denny Hughs

Noble Prettyman

1. The Planning and Zoning Commission held a public hearing to present and hear comments on the Comprehensive Plan that has been prepared for the Town of Milton. Eric Evans the Town Code Enforcement Officer presented the changes to the Town Center zoning district to the Planning and Zoning Commission and the public. The changes to the zoning district were discussed. Individuals from the public asked how the zoning district was determined and P & Z stated they followed the old C-1 zoning boundaries in the middle of the town area and determined that those zoning lines would be the new T/C Zoning boundaries. Further discussion took place with residents stating they would like to see the boundary line go down Broad street. After the discussions P & Z deferred making a recommendation until a later time so they could discuss and ponder on the boundary lines.

2. *An application from Del Phoenix LLC / Phoebe Sachs for preliminary site plan review for a major subdivision titled Turn Key and further identified by Sussex County Tax map 2-35-20.08 parcels 59 and 60.*

Linda Rogers introduced the application and asked if anyone was present to represent the application. John Barwick from Meridian consultants stated he was representing the application. Mr. Barwick stated that the site plan that was originally approved has some changes and that Eric Evans stated they would need to come back before P & Z to inform them of the changes prior to applying for the final site plan.

- It was brought to the developer's attention that the front yard setback for the subdivision was 25' vise 20',

- The additional lot line on parcel #8 needs to be removed,

- The paving cross section needs to be modified to require 3" of hot-mix in 2 courses and 8" of crusher run,

- Manholes not cleanouts, shall be located at all changes in direction for the gravity sewer,

- The gravity system may not be able to serve all the lots as indicated on the plan, this to be determined at later date.

- In the notes section item 3 remove the words street and road improvements, sanitary sewer facilities and water supply facilities, item 4 & 6 conflict with each other remove note 6, the 8th note change to read forty feet,

- On the final plan, by legend and symbol a distinction should be made between monuments which were found and monuments placed on the track boundary and those set for survey control. All new lot corner markers which are to be permanently located shall also be shown.

- An owner/developer certification should be provided,

“I/We the undersigned hereby certify to the ownership of the property described and shown on this plan that the plan was made at my /our direction, that all streets shown hereon and not heretofore indicated are hereby dedicated to the public use and that all proposed monuments and markers shown hereon will be set at the location indicated. That I/We indicate the same to be our/my act and desire the plan to be recorded according to law.”

- The light shown on the curbing in the entrance cul-de-sac should be relocated.

- The sign to be located at the entrance, at final a elevation of the sign needs to be provided.

- The minimum requirement data – min. width lots 3 & 6 is this correct or should it read 3 & 7?
min depth lots 2,3,4,5,7,8 is this correct or should it read 2,3,4,5,6,8?

- Please provide a landscaping plan for the center island at final also to eliminate any questions as to what your intentions are.

- Noble Prettyman motioned to accept the new preliminary site plan with the corrections noted and Dean Sherman seconded the motion, All in favor of the preliminary site plan.

3. *An application from River Basin Engineering, representing Michael Zimmerman for preliminary and final site plan approval if all requirements are met on Milton Park Center, LLC. phase III located at the intersection of Route 5 and Route 16, also identified by Sussex County Tax map 2-35-14.15 parcels 68.00 and 68.01.*

Linda Rogers introduced the application and asked if anyone was present to represent the application. Mike Zimmerman from BBC Properties stated he was representing the application. Mr. Zimmerman apologized that his engineer was not available due to illness. Mr. Zimmerman explained to P&Z that phase III was for 4200 sq ft of additional store space to be constructed, this site was located on the phase I site plan as a to be built later design. This 4200 sq ft is to built at this time for possibly 3 additional retail stores. This site was included and was reviewed by the other outside agencies and approved.

- Location of dumpster was a concern and Mr. Zimmerman stated the dumpster would be located behind the store and screening will be provided around the dumpster pad. The remainder of the area behind the stores will be grassed.

- There was adequate parking for this addition.

Noble Prettyman motioned to approve the phase III site plan as a final and Denny Hughs seconded it. All in favor.

4. *An application from River Basin Engineering, representing Michael Zimmerman for preliminary site plan review on Milton Park Center, LLC. phase IV located at the intersection of Route 5 and Route 16, also identified by Sussex County Tax map 2-35-14.15 parcels 68.00 and 68.01.*

Linda Rogers introduced the application and asked if anyone was present to represent the application. Mike Zimmerman from BBC Properties stated he was representing the application. Mr. Zimmerman stated he was proposing to construct a restaurant/retail structure over the storm

water pond of 7,000 sq ft, and to construct 2 contractor/service bay buildings 1 of 8400 sq ft and 1 of 12,000 sq ft behind the Food Lion.

- Additional information needs to be acquired in regards to the service bays to determine the parking requirements and water/sewer requirements.
- The access road to the service bays should be extended through to allow access for emergency vehicles.
- Storm water management system needs to be reviewed by soil conservation in regards to the additional impervious areas shown in the contractor bay area.
- Soil conservation needs to approve the piling system for the restaurant.
- Water & Sewer lines need to be shown to the restaurant and care should be taken to prevent from freezing.
- The ramp from 22B should be designated for emergency exit only.
- Need to extend the sidewalk and curbing along route 5 to the end of the property line.
- Setback on a rear line that abuts the paper road and residential area is 15' vise 10'.
- Parking requirement for the contractor bays is being reviewed.
- Parking spaces, vehicle access, utilities, and storm water pond easements need to be included on the partition proposal.
- A copy of the maintenance / cleaning of parking areas agreement need's to be provided to P & Z for the file. This should have wording to include the storm water areas.
- Mr. Zimmerman stated the deck area would not be used for tables for the restaurant.
- Elevations of the buildings need to be provided.

Dean Sherman motioned to defer the approval of the preliminary site plan until the parking requirements and the setback requirements can be determined. Noble Prettyman seconded the motion. All in favor.

4. *An application from Waples Lumber for a conditional use permit to allow the retail sale of mopeds/scooters in the LII district located at 701 Federal Street also identified by Sussex County Tax map 2-35-20.11 parcel 18.00.*

Linda Rogers introduced the application and asked if anyone was present to represent the application. Herschel Moore stated he was representing the application. Mr. Moore stated he would like to sell new Mopeds/Scooters. After much discussion.

Dean Sherman made the motion to grant the conditional use with the following conditions:

- Only New Scooter/Mopeds will be sold,
- Display of the scooter/Mopeds will be during the day and removed from the front of the property at night,
- Display will be seasonal as weather permits,
- No repairs will be done on the property,
- Display will be behind the fence,
- 3 Scooter/Mopeds at most will be displayed at one time,
- 3 – 5 sign can be used for the advertising,
- No banners will be permitted.

Denny Hughs seconded the motion. All in favor.

5. *The new Chapter 17, Subdivision Ordinance will be discussed and recommendations made to the Ordinance Committee for presentation to the Town Council.*

Linda Rogers introduced the Ordinance and Eric Evans presented it to the P & Z. Discussion took place on the various changes and it was determined to have a P&Z workshop to be held at Town Hall on Sept 9th at 7p.m..

The Comprehensive Plan was brought back up on the floor. After further discussion and it being brought up that T/C had approved the map at their last meeting the P&Z commission recommend that the text and maps be submitted with P&Z recommendation to the Town Council for their adoption.